

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CIVIL ACTION NO.: 5:19-cv-00327-FL

MANUEL TORRES,

Plaintiff,

vs.

TRACY LYNN CARTER, in his official
capacity as Lee County Sheriff; TOWN
OF SILER CITY, NORTH CAROLINA;
and TOWN OF APEX, NORTH
CAROLINA,

Defendants.

DEFENDANT TOWN OF APEX'S
CONSENT MOTION FOR
EXTENSION OF TIME TO MOVE,
SERVE AN ANSWER OR
OTHERWISE PLEAD

NOW COMES Defendant, Town of Apex, North Carolina, (hereinafter “Defendant Apex” or “Defendant”), by and through its undersigned counsel, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rules 6.1(a) and 77.2(a), moves this Court for an Order extending the time allowed to move, serve an Answer or otherwise plead to Plaintiff’s Complaint. In support to this Consent Motion, Defendant states as follows:

1. Plaintiff’s Complaint was filed in this Court on July 31, 2019. (See, DE # 1).
2. Defendant was served with the Summons and a copy of the Complaint via certified mail on August 12, 2019.
3. Pursuant to Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure, Defendant’s deadline to move, serve an Answer or otherwise plead is currently due to be served no later than September 3, 2019. Thus, the time has not yet expired for Defendant to move, serve an Answer, or otherwise plead to Plaintiff’s Complaint.

4. There is information which needs to be reviewed before the undersigned will be able to adequately prepare and serve responsive pleadings, and therefore, Defendant requests an additional thirty (30) days within which to move, serve an Answer, or otherwise plead, up to and including October 3, 2019.

5. Plaintiff's counsel, Brennan Brooks has been consulted and has consented to a thirty (30) day extension of time for Defendant to move, serve an Answer or otherwise plead.

6. Defendant files this request without waiving any defenses to the claims asserted by Plaintiff, whether substantive, procedural or otherwise, or conceding that Plaintiff has alleged claims upon which relief may be granted. Defendant specifically reserves all of its defenses pursuant to Rule 12 of the Federal Rules of Civil Procedure.

7. This Consent Motion is filed in good faith for the reasons stated and not for purposes of delay.

WHEREFORE, Defendant respectfully requests that its Consent Motion for an enlargement of time to move, serve an Answer or otherwise plead be granted and, as a result, that Defendant be allowed up to and including October 3, 2019, to move, serve an Answer or otherwise plead to Plaintiff's Complaint.

Respectfully submitted, this the 19th day of August, 2019.

JACKSON LEWIS P.C.

BY: /s/ Paul S. Holscher
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**CERTIFICATE OF
SERVICE**

The undersigned counsel certifies that on August 19, 2019, the foregoing *Defendant Town of Apex's Consent Motion for Extension of Time to Move, Serve an Answer, or Otherwise Plead* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

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